



1313 North Market Street
PO. Box 951
Wilmington, DE 19899-0951
302 984 6000

www.potteranderson.com

David E. Moore
Attorney at Law
dmoore@potteranderson.com
302 984-6147 Direct Phone
302 658-1192 Fax

December 5, 2006

VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
U.S. District Court
District of Delaware
844 King Street
Lockbox 19
Wilmington, Delaware 19801

Re: Textron Innovations Inc. v. The Toro Company
C. A. No. 05-486 (GMS)
M&G No. 6372.149-US-ZA

Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled for December 7, 2006 at 9:30 p.m. in the above-captioned matter, the parties jointly submit the following items to be presented to the Court:

Defendant's Issue:

- Plaintiff's recent identification of nearly 6000 boxes of documents and its effect on the remaining case schedule

Plaintiff's Issues:

- Defendant's failure to produce unredacted documents pursuant to the Court's order
- Defendant's failure to produce responsive documents
- Defendant's failure to produce knowledgeable corporate deponents pursuant to Rule 30(b)(6)

The Honorable Gregory M. Sleet
December 5, 2006
Page 2

- Defendant's use of Rule 33(d) to avoid providing substantive answers to interrogatories

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:nmt/765284/29362

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)